

### REMARKS

Claims 6-12 are pending in the application. Claims 6, 7 and 9-12 were rejected under 35 U.S.C. § 102(b) based on U.S. Patent No. 2,907,859 to Walkoe. Claim 8 was rejected under 35 U.S.C. § 103(a) based on Walkoe and U.S. Publication No. 2003/0010221 to Berger et al. (“Berger”).

The claims have now been amended. Reconsideration of the application in view of the amendment and the following remarks is respectfully requested.

#### Rejections Under 35 U.S.C. § 102

Claims 6, 7 and 9-12 were rejected under 35 U.S.C. § 102(b) based on U.S. Patent No. 2,907,859 to Walkoe.

Independent claim 6 of the present application has now been amended so as to recite “automatically moving the door from the closed position to the open position using the cooking appliance control system in response to a first signal” and “automatically returning the door from the open position to the closed position in response to a second signal” “wherein the first signal and the second signal are different.” Support for the amendment may be found, for example, in paragraphs [0023] and [0025] of the Specification.

Similarly, independent claim 7 of the present application has now been amended to recite a “cooking appliance control system configured to actuate the positioning motor so as to automatically move the door from the closed position to the predetermined open position in response to a first signal when a cooking process is complete and to actuate the positioning motor so as to automatically return the door to the closed position when the output signal indicates that a physical quantity has fallen below a predetermined threshold value stored in the memory, wherein the first signal and the output signal are different.” Support for the amendment may be found, for example, in paragraphs [0023] and [0025] of the Specification.

It is respectfully submitted that Walkoe fails to teach or suggest opening a door in response to a first signal and closing the door in response to a different signal, as now recited in independent claims 6 and 7. In contrast, Walkoe merely describes a circuit with a meat probe 10 and a bimetallic

strip 24. When the meat probe 10 reaches a desired temperature, the bimetallic strip 24 closes the circuit resulting in the extension of ram 47 and opening of oven door 7. See Walkoe, column 7, line 70 to column 8, line 32. Walkoe does not teach or suggest returning the ram to its original position in response to a different signal.

Moreover, irrespective of whether the ram of Walkoe was returned to its original position, it is respectfully maintained, as set forth in the Response dated July 22, 2009, that Walkoe does not teach or suggest returning the *door* to a closed position. In contrast, Walkoe teaches that “suitable means are provided to hold the door in the partially open position until its release by the cook.” See Walkoe, column 2, lines 16-18. Specifically Walkoe describes that the door is held open by a projection 38 and spring mounted cam follower 40 once it has been opened, regardless of the state of the position of the ram actuator unit 42. See Walkoe, column 4, lines 57-65 and column 7, lines 3-4, and Fig. 3. Moreover, the projection 38 and cam follower 40 are shown (though unlabeled in Figs. 6 and 7) in each embodiment illustrated in Walkoe. See Walkoe Figs. 2, 3, 6 and 7. Thus, there is no teaching (or suggestion) that door of Walkoe is automatically returned to a closed position, as recited.

For the foregoing reasons it is respectfully submitted that Walkoe does not disclose the above-recited features of independent claims 6 and 7. Therefore Walkoe cannot anticipate claims 6 and 7 or dependent claims 9-12, which depend from claim 7.

Reconsideration and withdrawal of the rejection of claims 6, 7 and 9-12 under 35 U.S.C. § 102(b) based on Walkoe is respectfully requested.

#### **Rejections Under 35 U.S.C. § 103**

Claim 8 was rejected under 35 U.S.C. § 103(a) based on Walkoe and U.S. Publication No. 2003/0010221 to Berger et al. (“Berger”).

Berger describes a steam cooking apparatus.

Claim 8 depends from claim 7. It is respectfully submitted that Berger does not cure the deficiencies of Walkoe with respect to claim 7, as set forth above. Thus, a combination of Walkoe and Berger could not render claim 8 obvious. Berger merely describes a steam cooking apparatus. Berger does not teach or suggest that the door of the steam cooking apparatus or any elements in

connection with the door includes any of the recited features. Accordingly, any combination of Walkoe and Berger, to the extent proper, could not render claim 7 obvious. Claim 8 is patentable over any combination of Walkoe and Berger for at least the same reasons as claim 7 is.

Reconsideration and withdrawal of the rejection of claim 8 under 35 U.S.C. § 103(a) based on Walkoe in view of Berger is respectfully requested.

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**CONCLUSION**

In view of the above amendment, applicants believe the pending application is in condition for allowance.

The Commissioner is hereby authorized to charge any unpaid fees deemed required in connection with this submission, including any additional filing or application processing fees required under 37 C.F.R. §1.16 or 1.17, or to credit any overpayment, to Deposit Account No. 04-0100.

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Respectfully submitted,

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